

## **EXHIBIT 1**

CAUSE:

THE STATE OF TEXAS  
COUNTY OF TRAVIS

X  
X

IN THE DISTRICT COURT  
TRAVIS COUNTY, TEXAS in The District Court  
of Travis County, Texas

**AFFIDAVIT FOR WARRANT OF ARREST AND DETENTION**

MAR 14 2014

At

4

P.M.

The Undersigned Affiant, who after being duly sworn by me, on oath, makes the following statement:

Amalia Rodriguez-Mendoza, Clerk

I have good reason to believe and do believe that **Rashad Charjuan Owens, Black/Male, 07/30/1992** on or about 03/13/2014, in Austin, Travis County, Texas, did then and there commit the offense of:

**Capital Murder - Capital Felony**

Affiant is a Detective currently assigned to the Vehicular Homicide Unit of the Austin Police Department and is responsible for investigating the above offense. I have reviewed incident report number 14-0720068, and statements given by Officers and witnesses, and other documentary evidence relating to the above offense. This offense occurred within the city of Austin, Travis County, Texas.

On March 13<sup>th</sup>, 2014, the offense of Capital Murder was committed by Rashad Owens.

Austin Police Officer Traylor #7258 was working a traffic initiative driving a black and white marked Austin Police Unit. At approximately 12:30 a.m. Officer Traylor noticed a 2012 Grey Honda Civic bearing Texas license plate BNJ0248 driving without headlights at the intersection of E. 12<sup>th</sup> st and N IH 35. The Honda was west bound on E 12<sup>th</sup> street in the right lane. Traylor was in the left lane also heading west bound. The Honda made an improper turn (turned from the wrong lane) which would have caused a crash with the Officer Traylor's marked unit had Officer Traylor not avoided the crash. Officer Traylor positioned his marked unit behind the Honda as they turned south bound on the access road of IH 35. Officer Traylor initiated a traffic stop on the Honda by activating his red and blue emergency lights that are atop the Police Unit. Traylor was wearing the distinctive uniform of the Austin Police Department.

The Honda continued driving south bound on the south bound frontage road of N. IH35. The Honda then turned on the right turn signal as it began to turn into the parking lot of the Shell gas station at 9<sup>th</sup> street and N. IH35. Officer Traylor thought the car was pulling over and stopping but the Honda steered around the other cars in the Shell gas station parking lot, squeezing between the building and the stopped cars at the gas pumps. The Honda turned onto 9<sup>th</sup> street and headed west bound. 9<sup>th</sup> street is a one way street for east bound traffic. There is a posted One Way sign with an arrow pointing east that is clearly visible from the driveway of the Shell gas station. The Honda began traveling east bound on 9<sup>th</sup> street at a rate of speed that was faster than the conditions allowed (roadway narrowed by cones). Officer Traylor's unit could not maneuver between the other vehicles and had to back out of the driveway before it could proceed to 9<sup>th</sup> street. Officer Traylor saw the Honda was heading toward the South by Southwest event on Red River. Officer Traylor tried to catch up to the vehicle before it got to the crowd.

Traylor was able to see the Honda as it turned right, north bound, onto Red River maneuvering between an Officer's personal vehicle (being used to block the roadway and the curb). Officers Hankemeier #6779 and Desormeaux #5909 were stationed at E. 9<sup>th</sup> street and Red River at a barricade to prevent vehicles from traveling on Red River for South by Southwest. Hankemeier waved his hands and arms in the air and yelled at the driver of the Honda to stop as the Honda made the corner and headed north bound on Red River. Red River was heavily populated with pedestrian traffic both in the closed street and the sidewalks.

Immediately after turning onto Red River, Owens struck pedestrians and it appears from video that the tail lights of the Honda were now on.

Witnesses stated that they heard the motor of the Honda rev up and the car accelerated northbound running over pedestrians that were in the closed street. Victims were reported to have been flying everywhere as they were being struck by the Honda.

Officer Traylor turned the corner in time to see the Honda accelerating, running over pedestrians and was able to activate his siren to try and warn the people ahead that the car was coming towards them. There were multiple victims in the 900 block of Red River that were hit by the car and were lying in the street with various injuries. The Honda continued north bound at a high rate of speed mowing down people that were standing before the intersection at 10<sup>th</sup> street knocking people in the air and leaving victims laying, some lifeless, on the ground. The Honda also smashed through the barricades at the intersection of 10<sup>th</sup> street still driving north bound.

At the intersection of 11<sup>th</sup> street and Red River, the Honda struck a motorcycle that had a rider and a passenger, a bicycle, with a lone rider, and a taxi-cab with a driver and a fare in the backseat.

The Honda struck a motorcycle carrying Jamie West killing her at the scene. The Honda also struck a taxi cab that was pushed into a bicycle being ridden by Steven Craenmehr. The impact killed Steven Craenmehr from the Netherlands who was in Austin for South by Southwest. Both Steven and Jamie suffered obvious gross trauma and deformities to their bodies.

The force of the crash pushed the heavier taxi-cab all the way across the intersection. The Honda continued across the intersection driving over a curb, a sidewalk, a grassy knoll, then over another curb and striking a ford van in the parking lot. The vehicle finally came to a stop in the parking lot on the North West corner of 11<sup>th</sup> St and Red River. The Honda did not appear to be able to continue any further due to the damage from the crash with the vehicles.

The driver of the Honda exited the vehicle and began to run on foot west bound on 11<sup>th</sup> street. Officer Traylor was able to catch the driver, Owens, and was forced to use his Taser to stop the combative Owens. The Taser had to be deployed twice to stop Owens. After the second Taser deployment, Traylor and Officer Desormeaux #5909 were able to take Owens into custody.

Owens was transported to Brackenridge Emergency Room to be treated for minor injuries sustained in the crash (es).

DWI Officers were called to evaluate Owens as he was showing signs of intoxication.

Officer Mitchell of the DWI unit spoke to Owens and Owens consented to a PBT –portable breath test and blew .114 (over the legal limit).

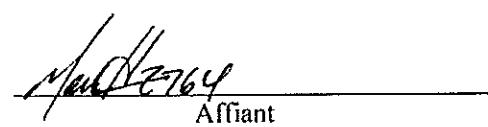
The Affiant responded to the hospital and read Owens his Miranda warnings on video. The Affiant received non- verbal acceptance (a nod) that it would be alright to ask questions of Owens.

Owens admitted to the Affiant and Officer Mitchell that he saw the lights in his mirror (speaking of the police lights) and said that he got scared because he has warrants and didn't want to go jail for 5 years for something he didn't do. The Affiant asked about the warrants Owens spoke of. Owens said that he has Kidnapping warrants and explained that he was part of a custody battle for his daughter.

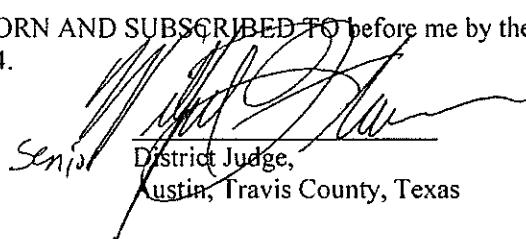
The affiant has reviewed in car video from the Police unit, and other videos available. The various videos show Owens is the only person in the Honda and that he is driving. The videos also show the Honda not stopping for Officer Traylor after committing at least two traffic violations. The videos show Owens turning the Honda onto Red River where Officers and barricades are present to stop vehicular travel. The videos show the Honda accelerating into crowds, not simply crowded areas but crowds of people who are hit by the car and flung into the air. The videos shows that Owens drives for almost 3 city blocks, accelerating into crowds and does not use brakes as in the video there are no brake lights visible from the rear of the Honda.

It is clear from video evidence that the vehicle is intentionally or knowingly hitting people and running through anything in the path of the Honda and is being driven at such a speed that the people in the blocked off streets have no chance to get out of the path of the Honda.

It is the Affiants belief that Owens committed the offense of Murder by intentionally or knowingly causing the death of an individual and committed the offense of Capital Murder by murdering more than one individual namely: Jamie West and Steven Craenmehr.

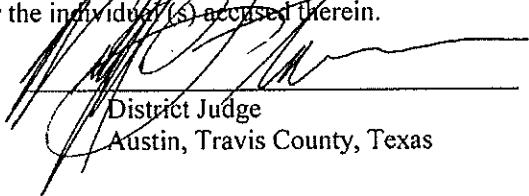
  
\_\_\_\_\_  
Affiant

SWORN AND SUBSCRIBED TO before me by the said Affiant, Detective Horn #2764, on this the 14<sup>th</sup> day of March, 2014.

  
\_\_\_\_\_  
Senior  
District Judge,  
Austin, Travis County, Texas

\_\_\_\_\_  
Peace Officer in and for  
Travis County, Texas,

On this the 14<sup>th</sup> day of March, 2014, I hereby acknowledge I have examined the foregoing affidavit and have determined that probable cause does exists for the issuance of a warrant of arrest for the individual(s) accused herein.

  
\_\_\_\_\_  
District Judge  
Austin, Travis County, Texas

**WARRANT OF ARREST**

**THE STATE OF TEXAS**  
VS.

Name: **Rashad Charjuan Owens**  
Race/Sex, DOB: **Black/Male, 07/30/1992**  
Address:  
City, State, Zip: **Killeen, Tx**

CAUSE #: DIDC1410003)

Austin Police Department  
Offense Number: 14-0720068  
Offense Date: 03/13/2014  
Peace Officer: Detective Horn #2764

**THE STATE OF TEXAS** Filed in The District Court  
TO ANY PEACE OFFICER OF THE STATE OF TEXAS, GREETINGS: of Travis County, Texas

You are hereby commanded to arrest:

**Rashad Charjuan Owens Black/Male 07/30/1992**

MAR 14, 2014  
At 4 P.M.  
Amalia Rodriguez-Mendoza, Clerk

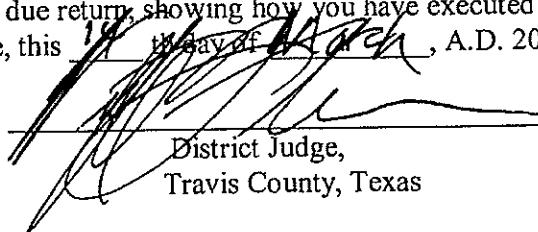
If to be found in your County and bring him/her before me, Judge at the Municipal Court, Travis County, Texas, at my office in Austin, in said county, Instanter, then and there to answer the State of Texas for an offense against the laws of said State, to-wit:

**Capital Murder - Capital Felony**

of which offense he/she is accused by the written complaint, under oath, of Detective Horn #2764 filed before me.

HEREIN FAIL NOT but of this writ make due return, showing how you have executed the same. WITNESS my official signature, this 14 the day of March, A.D. 2014.

W BOND \$3,000.00

  
District Judge,  
Travis County, Texas

Peace Officer's Return:

Came at hand the \_\_\_\_\_ day of \_\_\_\_\_ A.D., 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_ M. and  
executed on the \_\_\_\_\_ day of \_\_\_\_\_ A.D., 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_ M., by  
arresting the within named \_\_\_\_\_ in \_\_\_\_\_ County, Texas, and taking  
his/her bond, placing him/her in jail at \_\_\_\_\_.

I actually and necessarily traveled \_\_\_\_\_ miles in the service of this writ, in addition to any other mileage that I may have traveled in the service of other process in this cause in the same trip.

FEES-MILEAGE.....\$ \_\_\_\_\_  
Making arrest.....\$ \_\_\_\_\_  
Taking bond.....\$ \_\_\_\_\_  
Commitment.....\$ \_\_\_\_\_  
Release.....\$ \_\_\_\_\_  
Total.....\$ \_\_\_\_\_

BY \_\_\_\_\_  
Peace Officer

## **EXHIBIT 2**

D.A. #D1-DC14100031-----MNI#1943630-----TRN#9074921477-  
DPS# Count 1:09990026; Count 2:09990019; Count 3: 09990019; Count 4:  
09990019; Count 5: 09990019; -----147th

No. D1DC14100031

The State of Texas v RASHAD OWENS

## INDICTMENT

### **COUNT I: Capital Murder – Capital 19.03**

### **COUNT II: Felony Murder- Evading – F1 19.02**

### **COUNT III: Felony Murder- Evading – F1 19.02**

### **COUNT IV: Felony Murder- Evading – F1 19.02**

### **COUNT V: Felony Murder- Evading – F1 19.02**

Bond \$

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In The 403rd Judicial District Court of Travis County, Texas

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### **IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS:**

THE GRAND JURY, for the County of Travis, State of Texas, duly selected, empanelled, sworn, charged, and organized as such at the January, 2014 Term, A.D., of the 403rd Judicial District Court for said County, upon its oath presents in and to said Court at said term, that RASHAD OWENS, on or about the 13th day of March, 2014, and before the presentment of this Indictment, in the County of Travis, and State of Texas, did then and there murder more than one person during the same criminal transaction, to wit: the said Rashad Owens did then and there intentionally and

File in the District Court  
of Travis County, Texas

MAY 19 2014

At F55 P. M.  
Amalia Rodriguez-Mendoza, Clerk

knowingly cause the death of an individual, Sandy Le, by striking her with a motor vehicle, a deadly weapon, and the said Rashad Owens did then and there intentionally and knowingly cause the death of an individual, Deandre Tatum, by striking him with a motor vehicle, a deadly weapon, and the said Rashad Owens did then and there intentionally and knowingly cause the death of an individual, Steven Craenmehr, by striking him with a motor vehicle, a deadly weapon, and the said Rashad Owens did then and there intentionally and knowingly cause the death of an individual, Jamie West, by striking her with a motor vehicle, a deadly weapon.

### **COUNT II**

And the Grand Jury further presents that RASHAD OWENS, on or about the 13th day of March, 2014, and before the presentment of this Indictment, in the County of Travis, and State of Texas, did then and there intentionally and knowingly commit and attempt to commit the felony offense of Evading with a Motor Vehicle, and while in the course and furtherance of the commission and attempt to commit said offense, and while in immediate flight from the commission and attempt to commit said offense, Rashad Owens did then and there commit and attempt to commit an act clearly dangerous to human life, to wit: striking Sandy Le with a motor vehicle, a deadly weapon, thereby causing the death of Sandy Le,

### **COUNT III**

And the Grand Jury further presents that RASHAD OWENS, on or about the 13th day of March, 2014, and before the presentment of this Indictment, in the County of Travis, and State of Texas, did then and there intentionally and knowingly commit and attempt to commit the felony offense of Evading with a Motor Vehicle, and while in the

course and furtherance of the commission and attempt to commit said offense, and while in immediate flight from the commission and attempt to commit said offense, Rashad Owens did then and there commit and attempt to commit an act clearly dangerous to human life, to wit: striking Deandre Tatum with a motor vehicle, a deadly weapon, thereby causing the death of Deandre Tatum,

#### **COUNT IV**

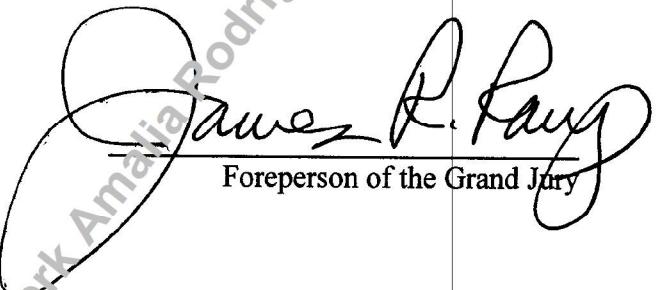
And the Grand Jury further presents that RASHAD OWENS, on or about the 13th day of March, 2014, and before the presentment of this Indictment, in the County of Travis, and State of Texas, did then and there intentionally and knowingly commit and attempt to commit the felony offense of Evading with a Motor Vehicle, and while in the course and furtherance of the commission and attempt to commit said offense, and while in immediate flight from the commission and attempt to commit said offense, Rashad Owens did then and there commit and attempt to commit an act clearly dangerous to human life, to wit: striking Steven Craenmehr with a motor vehicle, a deadly weapon, thereby causing the death of Steven Craenmehr,

#### **COUNT V**

And the Grand Jury further presents that RASHAD OWENS, on or about the 13th day of March, 2014, and before the presentment of this Indictment, in the County of Travis, and State of Texas, did then and there intentionally and knowingly commit and attempt to commit the felony offense of Evading with a Motor Vehicle, and while in the course and furtherance of the commission and attempt to commit said offense, and while in immediate flight from the commission and attempt to commit said offense, Rashad Owens did then and there commit and attempt to commit an act clearly

dangerous to human life, to wit: striking Jamie West with a motor vehicle, a deadly weapon, thereby causing the death of Jamie West,

against the peace and dignity of the State,

  
James R. Ray  
Foreperson of the Grand Jury

Unofficial copy - Travis Co. District Clerk Amalia Rodriguez-Mendoza

## **EXHIBIT 3**

12/18/2014 4:40:15 PM

Amalia Rodriguez-Mendoza  
 District Clerk  
 Travis County  
 D-1-GN-14-005295

CAUSE NO. D-1-GN-14-005295

|                                       |   |                                |
|---------------------------------------|---|--------------------------------|
| <b>GRACIE NGUYEN,</b>                 | § | <b>IN THE DISTRICT COURT</b>   |
|                                       | § |                                |
| <i>Plaintiff,</i>                     | § |                                |
|                                       | § |                                |
| v.                                    | § | <b>345TH JUDICIAL DISTRICT</b> |
|                                       | § |                                |
| <b>SXSW HOLDINGS, INC. f/k/a SXSW</b> | § |                                |
| <b>INC.; SXSW LLC f/k/a SXSW</b>      | § |                                |
| <b>TRANSITION, LLC;</b>               | § |                                |
| <b>PATRICK LOWE;</b>                  | § |                                |
| <b>TRAFFIC DESIGN CONSULTANTS</b>     | § |                                |
| <b>LLC; N-LINE TRAFFIC</b>            | § |                                |
| <b>MANAGEMENT, L.P.; and</b>          | § |                                |
| <b>RASHAD OWENS,</b>                  | § |                                |
|                                       | § |                                |
| <i>Defendants.</i>                    | § | <b>TRAVIS COUNTY, TEXAS</b>    |

**PLAINTIFF'S ORIGINAL PETITION, REQUEST FOR DISCLOSURES, AND**  
**REQUESTS FOR WRITTEN DISCOVERY**

Plaintiff GRACIE NGUYEN (“Plaintiff” or “Gracie”) files this *Plaintiff's Original Petition, Request for Disclosures, and Request for Written Discovery* (“Petition”) against Defendants SXSW HOLDINGS, INC. f/k/a SXSW INC., (“SXSW Holdings”); SXSW LLC f/k/a SXSW TRANSITION, LLC (collectively referred to as “SXSW”); PATRICK LOWE (“Lowe”); TRAFFIC DESIGN CONSULTANTS, LLC (“Traffic Design Consultants”); N-LINE TRAFFIC MANAGEMENT L.P. (“N-Line”) (SXSW, Lowe, Traffic Design Consultants, and N-Line are sometimes collectively referred to herein as the “SXSW Defendants”); and RASHAD OWENS (“Owens”), and for causes of action respectfully shows this Court as follows:

**I. DISCOVERY CONTROL PLAN**

1. Pursuant to Tex. R. Civ. P. 190.1 and 190.4, Plaintiff intends to conduct discovery under a Level 3 Discovery Control Plan.

**PLAINTIFF'S ORIGINAL PETITION,**  
**REQUEST FOR DISCLOSURES, AND WRITTEN DISCOVERY**

PAGE 1

## **II. INTRODUCTION**

2. Gracie Nguyen brings this lawsuit against SXSW Holdings, Inc. and SXSW LLC, the two for-profit companies that own, control and operate the SXSW music festival that takes place each March in Austin, Texas. In addition, this lawsuit is against Patrick Lowe and his company, Traffic Design Consultants, who was SXSW's agent and traffic design consultant for the 2014 SXSW festival responsible for planning and designing SXSW's safety and traffic control plan. This lawsuit is also against N-line who is the barricade provider for, and agent of, SXSW who is responsible for supplying, and in some instances, installing the temporary barricades specified in the Traffic Control Plan issued by SXSW. Finally, this lawsuit is against Rashad Owens, the driver of the vehicle that collided with SXSW attendees.

3. The SXSW crash of March 13, 2014 was a preventable tragedy. It was reasonably foreseeable that an errant vehicle (whether driven by a drunk driver, a tired driver, or an elderly and confused driver) might drive into the seemingly cordoned-off area on Red River Street if reasonable and adequate safety and traffic control measures are not implemented to protect against such an event from occurring. There are 20,000 errant vehicle incidents in the United States each year. Not only is an errant vehicle event foreseeable, it is an issue that has been the subject of numerous comprehensive studies by both state and federal agencies, as well as professional traffic management consultants nationwide. The owners, planners, and organizers of an expansive urban music festival the size and nature of SXSW should have recognized these risks and exercised reasonable care to reduce or eliminate these risks of harm to its invitees, as well as the public in general. Moreover, the evidence in this case will show that the SXSW Defendants failed to follow its own traffic control plan in several key respects, as well as negligently hiring, training and supervising its employees and agents so as to provide a safe

environment to the hundreds of thousands of invitees drawn to its festival each year. If the SXSW Defendants had adhered to industry standards, customs and practices, and utilized reasonable safety and traffic control measures, Gracie Nguyen would never have sustained the serious and permanent bodily injuries inflicted upon her in the early morning hours of March 13, 2014. As a proximate result of Defendants' negligence, Plaintiff has suffered, and will continue to suffer significant bodily injury, physical impairment, pain and suffering, and emotional distress that will last the remainder of her natural life—which, according to the federal government's "National Vital Statistics Reports," is expected to be another 57.6 years.<sup>1</sup> Plaintiff brings this lawsuit to ensure that the nightmare inflicted upon her on March 13, 2014 is not encountered by another SXSW festival goer ever again.

### III. PARTIES

4. Plaintiff GRACIE NGUYEN is a resident of Harris County, Texas.
5. Defendant SXSW HOLDINGS, INC. (formerly known as SXSW, INC.) is a Texas corporation duly organized and existing under the laws of the State of Texas, with its principal place of business in the State of Texas. This Defendant may be served with process by serving its registered agent, Roland Swenson, 400 Bowie Street, Austin, Texas 78703. SXSW is the Managing Member of SXSW, LLC.
6. Defendant SXSW, LLC (formerly known as SXSW Transition, LLC) is a Texas limited liability company duly organized and existing under the laws of the State of Texas, with its principal place of business in the State of Texas. This Defendant may be served with process

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<sup>1</sup> See U.S. Department of Health and Human Service, National Vital Statistics Report Vol. 61, No. 3, September 24, 2012 at 20.

by serving its registered agent, CT Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201-3136.

7. Defendant Patrick Lowe is an individual and a citizen of the State of Texas and may be served with process at his place of residence, 166 Moccasin Canyon, Cedar Creek, Texas 78104, Bastrop County.

8. Defendant Traffic Design Consultants, LLC is a limited liability company duly organized and existing under the laws of the State of Texas, with its principal place of business in the State of Texas. This Defendant may be served with process by serving its registered agent, Patrick Lowe at 128 Bonham Lane, Paigc, Texas 78659.

9. Defendant N-Line Traffic Management L.P. is a Texas limited partnership with its principal place of business in the State of Texas. This Defendant may be served with process by serving its registered agent, Patricia England at 2620 Clarks Lane, Bryan, Texas 77808.

10. Defendant Rashad Owens is an individual and a citizen of the State of Texas and may be served with process at the Travis County Jail where he has been incarcerated since March 13, 2014.

11. Plaintiff alleges that, at all material times, the SXSW Defendants were agents, servants, employees, partners, authorized agents and/or joint venturers of one another and the acts of each SXSW Defendant were within the course and scope of the agency, employment, partnership, and/or joint venture such that each SXSW Defendant is jointly and severally liable for the damages they collectively caused Plaintiff.

## XII. PRAYER

151. WHEREFORE, Plaintiff respectfully prays that Defendants be duly cited to appear and answer herein, and that upon final trial of this cause, Plaintiff recovers a judgment against Defendants for:

- Plaintiff's damages, as set forth above, in an amount within the jurisdictional limits of this Court, to be determined by a jury;
- Prejudgment interest on Plaintiff's damages as allowed by law;
- Interest on the judgment at the legal rate from date of judgment;
- Costs of court; and,
- Such other and further relief, in both law and in equity, to which Plaintiff may be entitled.

December 18, 2014

Respectfully submitted,



---

**G. MICHAEL GRUBER**  
*State Bar No. 08555400*  
*mgruber@ghjhlaw.com*  
**TREY CRAWFORD**  
*State Bar No. 24059623*  
*tcrawford@ghjhlaw.com*  
**ERIC POLICASTRO**  
*State Bar No. 24068809*  
*epolicastro@ghjhlaw.com*

**GRUBER HURST JOHANSEN HAIL SHANK LLP**  
1445 Ross Avenue, Suite 2500  
Dallas, Texas 75202  
214.855.6800 (main)

**ATTORNEYS FOR PLAINTIFF**

## **EXHIBIT 4**

12/18/2014 4:40:22 PM

Amalia Rodriguez-Mendoza

District Clerk

Travis County

D-1-GN-14-005309

CAUSE NO. D-1-GN-14-005309

|   |  |
|---|--|
| <b>PATRICK SANCHEZ,</b>   | § <b>IN THE DISTRICT COURT</b>         |
|   | §                                      |
| <i>Plaintiff,</i>   | §                                      |
|   | §                                      |
| v.  | § <u><b>98TH JUDICIAL DISTRICT</b></u> |
|   | §                                      |
| <b>SXSW HOLDINGS, INC. f/k/a SXSW INC.; SXSW LLC f/k/a SXSW TRANSITION, LLC; PATRICK LOWE; TRAFFIC DESIGN CONSULTANTS LLC; N-LINE TRAFFIC MANAGEMENT, L.P.; and RASHAD OWENS,</b> | §                                      |
|   | §                                      |
|   | §                                      |
| <i>Defendants.</i>  | § <b>TRAVIS COUNTY, TEXAS</b>          |
|   | §                                      |

**PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURES**

Plaintiff PATRICK SANCHEZ (“Plaintiff” or “Patrick”) files this *Plaintiff’s Original Petition and Request for Disclosures* (“Petition”) against Defendants SXSW HOLDINGS, INC. f/k/a SXSW INC., (“SXSW Holdings”); SXSW LLC f/k/a SXSW TRANSITION, LLC (collectively referred to as “SXSW”); PATRICK LOWE (“Lowe”); TRAFFIC DESIGN CONSULTANTS, LLC (“Traffic Design Consultants”); N-LINE TRAFFIC MANAGEMENT L.P. (“N-Line”) (SXSW, Lowe, Traffic Design Consultants, and N-Line are sometimes collectively referred to herein as the “SXSW Defendants”); and RASHAD OWENS (“Owens”), and for causes of action respectfully shows this Court as follows:

**I. DISCOVERY CONTROL PLAN**

1. Pursuant to Tex. R. Civ. P. 190.1 and 190.4, Plaintiff intends to conduct discovery under a Level 3 Discovery Control Plan.

## II. INTRODUCTION

2. Patrick Sanchez brings this lawsuit against SXSW Holdings, Inc. and SXSW LLC, the two for-profit companies that own, control and operate the SXSW music festival that takes place each March in Austin, Texas. In addition, this lawsuit is against Patrick Lowe and his company, Traffic Design Consultants, who was SXSW's agent and traffic design consultant for the 2014 SXSW festival responsible for planning and designing SXSW's safety and traffic control plan. This lawsuit is also against N-line who is the barricade provider for, and agent of, SXSW who is responsible for supplying, and in some instances, installing the temporary barricades specified in the Traffic Control Plan issued by SXSW. Finally, this lawsuit is against Rashad Owens, the driver of the vehicle that collided with SXSW attendees.

3. The SXSW crash of March 13, 2014 was a preventable tragedy. It was reasonably foreseeable that an errant vehicle (whether driven by a drunk driver, a tired driver, or an elderly and confused driver) might drive into the seemingly cordoned-off area on Red River Street if reasonable and adequate safety and traffic control measures are not implemented to protect against such an event from occurring. There are 20,000 errant vehicle incidents in the United States each year. Not only is an errant vehicle event foreseeable, it is an issue that has been the subject of numerous comprehensive studies by both state and federal agencies, as well as professional traffic management consultants nationwide. The owners, planners, and organizers of an expansive urban music festival the size and nature of SXSW should have recognized these risks and exercised reasonable care to reduce or eliminate these risks of harm to its invitees, as well as the public in general. Moreover, the evidence in this case will show that the SXSW Defendants failed to follow its own traffic control plan in several key respects, as well as negligently hiring, training and supervising its employees and agents so as to provide a safe

- Prejudgment interest on Plaintiff's damages as allowed by law;
- Interest on the judgment at the legal rate from date of judgment;
- Costs of court; and,
- Such other and further relief, in both law and in equity, to which Plaintiff may be entitled.

December 18, 2014

Respectfully submitted,



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**G. MICHAEL GRUBER**

*State Bar No. 08555400*

*mgruber@ghjhlaw.com*

**TREY CRAWFORD**

*State Bar No. 24059623*

*tcrawford@ghjhlaw.com*

**ERIC POLICASTRO**

*State Bar No. 24068809*

*epolicastro@ghjhlaw.com*

**GRUBER HURST JOHANSEN HAIL SHANK LLP**

1445 Ross Avenue, Suite 2500

Dallas, Texas 75202

214.855.6800 (main)

**ATTORNEYS FOR PLAINTIFF**

## **EXHIBIT 5**

12/18/2014 4:54:46 PM

Amalia Rodriguez-Mendoza

District Clerk

Travis County

D-1-GN-14-005314

CASE NO. D-1-GN-14-005314

TAMARA and DERRICK O'NEAL,  
Individually and as Representatives of the  
Estate of De'Andre Tatum, Deceased,

Plaintiffs,  
VS.

SXSW HOLDINGS, INC. f/k/a SXSW, INC.;  
SXSW, LLC f/k/a SXSW TRANSITION, LLC;  
PATRICK MICHAEL LOWE; TRAFFIC  
DESIGN CONSULTANTS, LLC; and  
RASHAD OWENS,

Defendants.

§ IN THE DISTRICT COURT

§  
§ OF TRAVIS COUNTY, TEXAS  
§  
§

§ 201ST JUDICIAL DISTRICT

§  
§ JURY TRIAL DEMANDED

**PLAINTIFFS' ORIGINAL PETITION  
AND REQUEST FOR JURY TRIAL**

**I. INTRODUCTION**

1.01 Tamara and Derrick O'Neal are the natural parents of De'Andre Tatum, deceased. The O'Neals bring this lawsuit both on behalf of themselves, individually, and on behalf of their deceased son. This lawsuit is against SXSW Holdings, Inc. and SXSW LLC, the two for-profit corporations that own and operate the South by Southwest musical festival. De'Andre Tatum was a paying customer and attendee at the music festival on March 13, 2014, when he was tragically run over by a car while inside one of the venues controlled by South by Southwest. In addition, this lawsuit is brought against Patrick Michael Lowe and his company, Traffic Design Consultants, LLC. Mr. Lowe and his company were the agents of South by Southwest, who designed the traffic control plan for the festival in March 2014. Finally, this lawsuit is brought against the driver of the vehicle that struck De'Andre Tatum, Rashad Owens.

1.02 The horrible incident of March 13, 2014 was a completely preventable tragedy. It was foreseeable and predictable that an errant vehicle (whether driven by an inexperienced driver, a tired driver, an elderly driver, a confused driver, or a drunk driver) might barrel into the festival venue on Red River Street where De'Andre Tatum was struck. The owners, planners, organizers and for-profit companies that run South by Southwest knew or should have known that more than 20,000 errant vehicle incidents occur in the United States every year. Given the grave risk of such a vehicle in the downtown Austin area, the organizers and planners of South by Southwest should have prevented such a vehicle from entering an area designated for the festival, and the pedestrian attendees. If they had done so, then De'Andre Tatum would be alive today.

## **II. DISCOVERY CONTROL PLAN**

2.01 Pursuant to Texas Rule of Civil Procedure 190.4, the discovery of this case is to be conducted under a Level III Discovery Control Plan to be agreed upon by the parties.

## **III. PARTIES**

3.01 Plaintiffs Tamara and Derrick O'Neal are residents of Fort Worth, Texas and are the natural parents of De'Andre Tatum, deceased. Tamara and Derrick O'Neal bring this suit for damages suffered and sustained by them as a result of the wrongful death of De'Andre Tatum pursuant to Texas Civil Practices and Remedies Code § 71.004. In addition, Plaintiffs are the only heirs at law to the estate of De'Andre Tatum and, therefore, Plaintiffs bring this suit on behalf of De'Andre Tatum's estate for damages suffered and sustained by De'Andre Tatum pursuant to Texas Civil Practices and Remedies Code § 71.021.

3.02 Defendant SXSW Holdings, INC. (formerly known as SXSW, Inc.) is a corporation duly organized and existing under the laws of the State of Texas, with its principal

## IX. REQUEST FOR DISCLOSURE

9.01 Pursuant to Rule 194 of the Texas Rules of Civil Procedure, Plaintiffs request the Defendants each produce the materials in 194.2(a)-(l), within 50 days. Any and all documents produced by Defendants in this case shall be considered self-authenticated pursuant to Rule 193 of the Texas Rules of Civil Procedure.

## X. PRAYER

WHEREFORE, Plaintiffs respectfully pray that Defendants be duly cited to appear and answer herein, and that upon final trial of this cause, Plaintiffs recover a judgment against Defendants for:

- (1) Plaintiffs' damages, as set forth above, in an amount within the jurisdictional limits of this Court, to be determined by a jury;
- (2) Prejudgment interest on Plaintiffs' damages as allowed by law;
- (3) Interest on the judgment at the legal rate from date of judgment;
- (4) Costs of court; and
- (5) Such other and further relief to which Plaintiffs may be entitled.

DATED: December 18, 2014

Respectfully submitted,

CURTIS LAW GROUP

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**ATTORNEYS FOR PLAINTIFFS**

## **EXHIBIT 6**

12/18/2014 5:43:39 PM

Amalia Rodriguez-Mendoza  
District Clerk  
Travis County  
D-1-GN-14-005318

CASE NO. D-1-GN-14-005318

ERIC A. HALL,

Plaintiff,

VS.

SXSW HOLDINGS, INC. f/k/a SXSW, INC.;  
SXSW, LLC f/k/a SXSW TRANSITION, LLC;  
PATRICK MICHAEL LOWE; TRAFFIC  
DESIGN CONSULTANTS, LLC; and  
RASHAD OWENS,

Defendants.

IN THE DISTRICT COURT

OF TRAVIS COUNTY, TEXAS

53RD JUDICIAL DISTRICT

*JURY TRIAL DEMANDED*

**PLAINTIFF'S ORIGINAL PETITION  
AND REQUEST FOR JURY TRIAL**

**I. INTRODUCTION**

1.01 Erica D. Hall brings this lawsuit against SXSW Holdings, Inc. and SXSW LLC, the two for-profit corporations that own and operate the South by Southwest musical festival. Erica Hall was a paying customer and attendee at the music festival on March 13, 2014, when she was tragically injured by a car while inside one of the venues controlled by South by Southwest. In addition, this lawsuit is brought against Patrick Michael Lowe and his company, Traffic Design Consultants, LLC. Mr. Lowe and his company were the agents of South by Southwest, who designed the traffic control plan for the festival in March 2014. Finally, this lawsuit is brought against the driver of the vehicle that struck Erica Hall, Rashad Owens.

1.02 The horrible incident of March 13, 2014 was a completely preventable tragedy. It was foreseeable and predictable that an errant vehicle (whether driven by an inexperienced

driver, a tired driver, an elderly driver, a confused driver, or a drunk driver) might barrel into the festival venue on Red River Street where Erica Hall was struck. The owners, planners, organizers and for-profit companies that run South by Southwest knew or should have known that more than 20,000 errant vehicle incidents occur in the United States every year. Given the grave risk of such a vehicle in the downtown Austin area, the organizers and planners of South by Southwest should have prevented such a vehicle from entering an area designated for the festival and the pedestrian attendees. If they had done so, then Erica Hall would not have been injured.

## **II. DISCOVERY CONTROL PLAN**

2.01 Pursuant to Texas Rule of Civil Procedure 190.4, the discovery of this case is to be conducted under a Level III Discovery Control Plan to be agreed upon by the parties.

## **III. PARTIES**

3.01 Erica Hall is a resident of Fort Worth, Texas. She brings this suit for damages suffered.

3.02 Defendant SXSW Holdings, Inc. (formerly known as SXSW, Inc.) is a corporation duly organized and existing under the laws of the State of Texas, with its principal place of business in Austin, Travis County, Texas. This Defendant may be served with process by serving its registered agent, Roland Swenson, 400 Bowie Street, Austin, Texas 78703, or at any other place Defendant may be found. Defendant SXSW Holdings, Inc., in conjunction with Defendant SXSW, LLC, is hereinafter referred to as "SXSW." Plaintiff requests citation be issued.

3.03 Defendant SXSW, LLC (formerly known as SXSW Transition, LLC) is a limited liability company duly organized and existing under the laws of the State of Texas, with its

## X. PRAYER

WHEREFORE, Plaintiff respectfully prays that Defendants be duly cited to appear and answer herein, and that upon final trial of this cause, Plaintiff recover a judgment against Defendants for:

- (1) Plaintiff's damages, as set forth above, in an amount within the jurisdictional limits of this Court, to be determined by a jury;
- (2) Prejudgment interest on Plaintiff's damages as allowed by law;
- (3) Interest on the judgment at the legal rate from date of judgment;
- (4) Costs of court; and
- (5) Such other and further relief to which Plaintiff may be entitled.

DATED: December 18, 2014

Respectfully submitted,

**CURTIS LAW GROUP**

WILLIAM H. CURTIS  
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**ATTORNEYS FOR PLAINTIFF**

## **EXHIBIT 7**

12/18/2014 5:18:21 PM

Amalia Rodriguez-Mendoza

District Clerk

Travis County

D-1-GN-14-005323

CASE NO. D-1-GN-14-005323

CURTISHA DAVIS,

§

IN THE DISTRICT COURT

Plaintiff,

§

VS.

§

SXSW HOLDINGS, INC. f/k/a SXSW, INC.;  
SXSW, LLC f/k/a SXSW TRANSITION, LLC;  
PATRICK MICHAEL LOWE; TRAFFIC  
DESIGN CONSULTANTS, LLC; and  
RASHAD OWENS,

§

OF TRAVIS COUNTY, TEXAS

§

200TH

JUDICIAL DISTRICT

Defendants.

§

§

§

*JURY TRIAL DEMANDED*

**PLAINTIFF'S ORIGINAL PETITION  
AND REQUEST FOR JURY TRIAL**

**I. INTRODUCTION**

1.01 Curtisha Davis brings this lawsuit against SXSW Holdings, Inc. and SXSW LLC, the two for-profit corporations that own and operate the South by Southwest musical festival. Curtisha Davis was a paying customer and attendee at the music festival on March 13, 2014, when she was tragically injured by a car while inside one of the venues controlled by South by Southwest. In addition, this lawsuit is brought against Patrick Michael Lowe and his company, Traffic Design Consultants, LLC. Mr. Lowe and his company were the agents of South by Southwest, who designed the traffic control plan for the festival in March 2014. Finally, this lawsuit is brought against the driver of the vehicle that struck Curtisha Davis, Rashad Owens.

1.02 The horrible incident of March 13, 2014 was a completely preventable tragedy. It was foreseeable and predictable that an errant vehicle (whether driven by an inexperienced

driver, a tired driver, an elderly driver, a confused driver, or a drunk driver) might barrel into the festival venue on Red River Street where Curtisha Davis was struck. The owners, planners, organizers and for-profit companies that run South by Southwest knew or should have known that more than 20,000 errant vehicle incidents occur in the United States every year. Given the grave risk of such a vehicle in the downtown Austin area, the organizers and planners of South by Southwest should have prevented such a vehicle from entering an area designated for the festival and the pedestrian attendees. If they had done so, then Curtisha Davis would not have been injured.

## **II. DISCOVERY CONTROL PLAN**

2.01 Pursuant to Texas Rule of Civil Procedure 190.4, the discovery of this case is to be conducted under a Level III Discovery Control Plan to be agreed upon by the parties.

## **III. PARTIES**

3.01 Curtisha Davis is a resident of Fort Worth, Texas. She brings this suit for damages suffered.

3.02 Defendant SXSW Holdings, Inc. (formerly known as SXSW, Inc.) is a corporation duly organized and existing under the laws of the State of Texas, with its principal place of business in Austin, Travis County, Texas. This Defendant may be served with process by serving its registered agent, Roland Swenson, 400 Bowie Street, Austin, Texas 78703, or at any other place Defendant may be found. Defendant SXSW Holdings, Inc., in conjunction with Defendant SXSW, LLC, is hereinafter referred to as "SXSW." Plaintiff requests citation be issued.

3.03 Defendant SXSW, LLC (formerly known as SXSW Transition, LLC) is a limited liability company duly organized and existing under the laws of the State of Texas, with its

- (4) Costs of court; and
- (5) Such other and further relief to which Plaintiff may be entitled.

DATED: December 18, 2014

Respectfully submitted,

CURTIS LAW GROUP



WILLIAM B. CURTIS  
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ATTORNEYS FOR PLAINTIFF

## **EXHIBIT 8**

Filed: 12/18/2014 4:45:25 PM  
Dana DeBeauvoir  
Travis County Clerk  
C-1-PB-14-002212  
Olivia Ruiz

CAUSE NO. C-1-PB-14-0022059

ESTATE OF § IN THE PROBATE COURT NO. 1  
§  
JAIMIE COOK WEST, § OF  
§  
DECEASED § TRAVIS COUNTY, TEXAS  
C-1-PB-14-002212

EVAN WEST, INDIVIDUALLY, AS § IN THE PROBATE COURT NO. 1  
SURVIVING SPOUSE OF JAIME COOK §  
WEST, DECEASED, AND AS §  
REPRESENTATIVE OF THE ESTATE §  
OF JAIME COOK WEST, DECEASED §  
Plaintiff, §  
§  
V. § OF  
§  
SXSW HOLDINGS, INC. f/k/a SXSW §  
INC., SXSW LLC f/k/a SXSW §  
TRANSITION, LLC, TRAFFIC DESIGN §  
CONSULTANTS, LLC, PATRICK M. §  
LOWE and RASHAD OWENS, §  
Defendants. § TRAVIS COUNTY, TEXAS

**PLAINTIFF'S ORIGINAL PETITION, JURY DEMAND, REQUEST FOR  
DISCLOSURE, NOTICE OF WRITTEN DISCOVERY RULE 193.7 NOTICE**

COMES NOW, EVAN WEST, Individually, as surviving spouse of Jaime Cook West and as representative of the ESTATE OF JAIME COOK WEST, DECEASED, Plaintiff in the above-styled and numbered cause of action, complaining of Defendants, SXSW HOLDINGS, INC. f/k/a SXSW INC., SXSW LLC f/k/a SXSW TRANSITION, LLC, TRAFFIC DESIGN CONSULTANTS, LLC, PATRICK M. LOWE and RASHAD OWENS, and in support thereof would show unto this Honorable Court the following:



**I. DISCOVERY CONTROL PLAN**

1. Pursuant to Texas Rule of Civil Procedure 190.4 the discovery of this case is to be conducted under a Level 3 Discovery Control Plan to be agreed upon by the parties.

**II. INTRODUCTION**

2. Evan West is the surviving spouse of Jaime Cook West and is the representative of the Estate of Jaime Cook West, Deceased. Evan brings this lawsuit both in his individual and representative capacities. This lawsuit is against SXSW Holdings, Inc. and SXSW LLC, the two for-profit corporations that own and operate the South by Southwest musical festival. Evan and Jaime were attendees at the music festival on March 13, 2014, when they was tragically run over by a car at one of the venues controlled by SXSW. In addition, this lawsuit is brought against Patrick Michael Lowe and his company, Traffic Design Consultants, LLC, who were the agents of SXSW Holdings, Inc. and SXSW LLC and who designed the traffic control plan for the 2014 SXSW festival that included the area where this incident occurred. Finally, this lawsuit is brought against the driver of the vehicle that struck Evan and Jaime, Rashad Owens.

3. The horrible incident of March 13, 2014 was a completely preventable tragedy. It was foreseeable and predictable to the Defendants that an errant vehicle (whether driven by an inexperienced driver, a tired driver, an elderly driver, a confused driver or a drunk driver) might barrel into the festival venue on Red River Street where Evan and Jaime were struck. The owners, planners, organizers and for-profit companies that run the SXSW festival knew or should have known that more than 20,000 errant vehicle incidents occur in the United States every year. Given the grave risk of such a vehicle in the downtown Austin area, the organizers and planners of the SXSW festival in the exercise of ordinary care should have prevented such a

144. Served contemporaneously with this lawsuit are Plaintiff's Interrogatories and Plaintiff's Request for Production to Defendants SXSW, LLC and SXSW Holdings, Inc. Pursuant to Rules 196 and 197 of the Texas Rules of Civil Procedure, Defendants shall serve a written response to the written discovery requests within 50 days of the date of service.

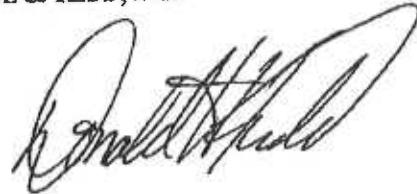
**XII. PRAYER**

WHEREFORE, PREMISES CONSIDERED, each Plaintiff prays that each Defendant be cited in terms of law to appear and answer herein, that upon final trial and hearing hereof, that each Plaintiff recover damages in accordance with the evidence, that each Plaintiff recover costs of court herein expended, that each Plaintiff recover interest to which each Plaintiff is justly entitled under the law, and for such other further relief, both general and special, both in law and in equity, to which each Plaintiff may be justly entitled.

Filed: December 18, 2014.

Respectfully submitted,

**PERDUE & KIDD, LLP**



By: \_\_\_\_\_

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**ATTORNEYS FOR PLAINTIFF EVAN WEST,  
INDIVIDUALLY, AS SURVIVING SPOUSE OF  
JAIME COOK WEST AND AS  
REPRESENTATIVE OF THE ESTATE OF  
JAIME COOK WEST, DECEASED**

## **EXHIBIT 9**

## 100-mile radius around Austin and San Antonio

(created using <http://www.freemaptools.com/radius-around-point.htm>)

